



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPOSER: Carolyn Baker

LOCATION OF PROPOSAL: 130 130th Ave NE

DESCRIPTION OF PROPOSAL: Demolish an existing pool, concrete walkway, and deck, and restore areas of the Type F stream buffer and floodplain with native planting.

FILE NUMBERS: 19-116004-LO **PLANNER:** David Wong

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- ☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- ☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **9/26/2019**
- ☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposal's probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.



Environmental Coordinator
Elizabeth Stead

9/12/2019

Date

OTHERS TO RECEIVE THIS DOCUMENT:

- ☒ State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
- ☐ State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
- ☒ Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
- ☒ Attorney General ecyolyef@atg.wa.gov
- ☒ Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Pool Removal

Proposal Address: 130 130th PI NE

Proposal Description: Proposal to demolish an existing pool, concrete walkway, and deck, and restore areas of the Type F stream buffer and floodplain with native planting. The project is supported by a restoration plan.

File Number: 19-116004-LO

Applicant: Carolyn Baker

Decisions Included: Process II

Planner: David Wong, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** Determination of Non-Significance


Elizabeth Stead, Environmental Coordinator
Development Services Department

Department Decision: Approval with Conditions


Elizabeth Stead, Land Use Director
Development Services Department

Application Date:	June 12, 2019
Notice of Application Publication Date:	August 1, 2019
Decision Publication Date:	September 12, 2019
Appeal Deadline:	September 26, 2019

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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Attachments

1. Site Plan
2. Restoration Plan

I. Request & Review Process

The applicant has requested a Critical Areas Land Use Permit approval to demolish an existing residential pool, concrete walkway, and deck currently located within a Type F stream buffer associated with the West Tributary of Kelsey Creek. The proposal also includes restoration of areas affected by the demolition of the existing improvements and other areas throughout the on-site stream buffer and floodplain. A restoration plan utilizing a stream buffer planting template from the City's Critical Areas Handbook has been included with this application. See Figure 1 for proposed site conditions.

Figure 1



Proposals to restore areas of a critical area buffer require application of a Critical Areas Land Use Permit (CALUP) and are subject to the requirements of LUC 20.25H and 20.30P, including but not limited to those sections governing streams, floodplains, and restoration.

II. Site Context & Description

A. Site Context

The site improvements include a single-family residence, driveway, two wooden decks, concrete walkways, and an in-ground pool. The site has street frontage to the west along 130th PI NE. The West Tributary is located just off-site to the east, however the

floodplain and stream buffer associated with the stream are located on-site. Large portions of the stream buffer and floodplain exhibit degraded critical areas conditions covered by permanent improvements (decks and pool) and non-native plant species. The soil in the area where restoration is proposed to occur has been identified as Everett gravelly sandy loam (EvC) according to mapping provided by the Natural Resources Conservation Service (NRCS). See Figure 2 below for the current site conditions.

Figure 2



B. Zoning & Subarea

The property is zoned R-3.5 (Single-Family Residential) and is located within the Wilburton/NE 8th St subarea. See Figure 3 for zoning map and Figure 4 for subarea information.

Figure 3



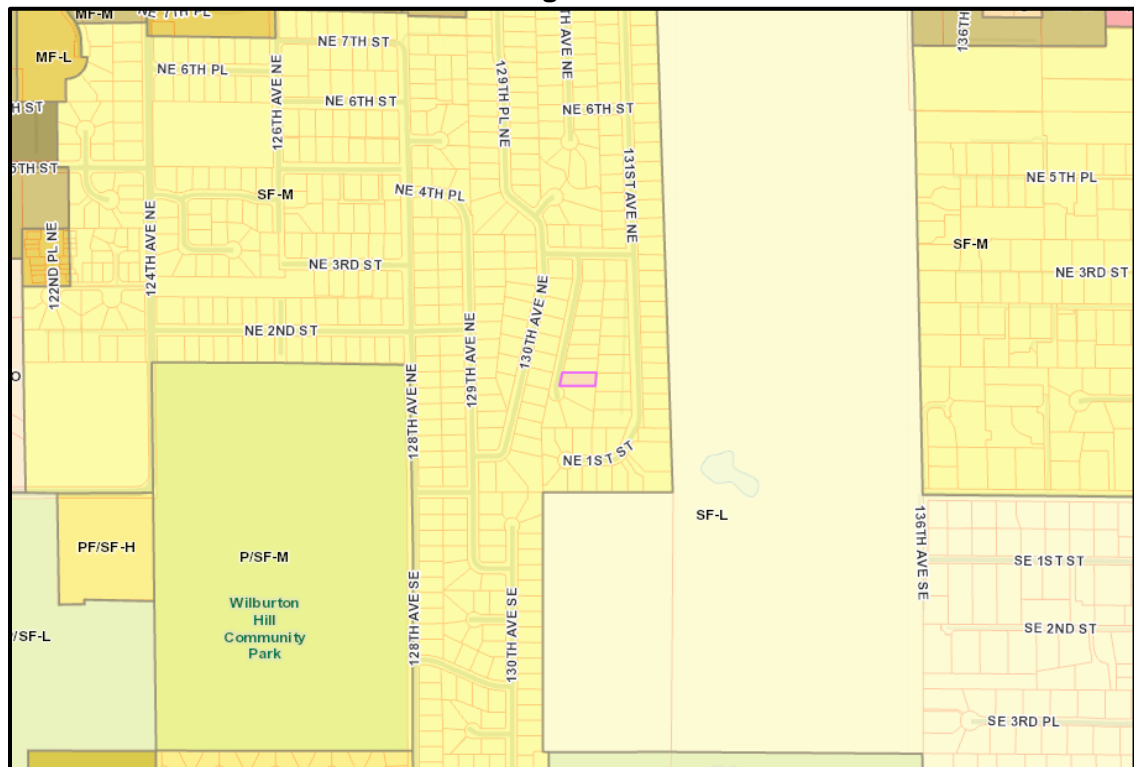
Figure 4



C. Land Use Context

The site has a Comprehensive Plan designation of SF-M, or Single-Family Medium Density. The site is adjacent to residential uses on all sides with Glendale Golf Course located approximately 375 feet to the east. See Figure 5 for Comprehensive Plan designation.

Figure 5



D. Critical Areas Functions and Values

i. Streams & Riparian Areas

Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or revegetated (May 2003). Until the newly planted buffer is established the near-term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

ii. Floodplains

The value of floodplains can be described in terms of both the hydrologic and ecological functions that they provide. Flooding occurs when either runoff exceeds the capacity of rivers and streams to convey water within their banks, or when engineered stormwater systems become overwhelmed. Studies have linked urbanization with increased peak discharge and channel degradation (Dunne and Leopold 1978; Booth and Jackson 1997; Konrad 2000). Floodplains diminish the effects of urbanization by temporarily storing water and mediating flow to downstream reaches. The capacity of a floodplain to buffer upstream fluctuations in discharge may vary according to valley confinement, gradient, local relief, and flow resistance provided by vegetation. Development within the floodplain can dramatically affect the storage capacity of a floodplain, impact the hydrologic regime of a basin and present a risk to public health and safety and to property and infrastructure.

III. Consistency with Land Use Code Requirements:

A. Consistency with Land Use Code Critical Areas Performance Standards:

i. Streams Performance Standards – 20.25H.080

In addition to generally applicable performance standards set forth in LUC 20.25H.055 and 20.25H.065, development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

1. Lights shall be directed away from the stream.

No exterior lighting is proposed under this project scope.

2. Activity that generates noise such as parking lots, generators, and residential uses shall be located away from the stream or any noise shall be minimized through use of design and insulation techniques.

No new uses or activities are proposed other than what currently exist at the site. The proposal includes restoration planting of the stream buffer using species and densities suitable for stream buffers, which will increase vegetative coverage and plant density of the stream buffer between the existing activities and uses and the stream.

3. Toxic runoff from new impervious area shall be routed away from the stream.

No additional runoff is proposed to be directed toward the stream and the total amount of impervious surface within the stream buffer and on-site will be reduced from what currently exists.

4. Treated water may be allowed to enter the stream critical area buffer.

No treated water is proposed to be discharged into the stream buffer under this proposal.

5. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use.

The proposal includes restoration planting of the stream buffer using species and densities suitable for stream buffers, which will increase vegetative coverage and plant density of the stream buffer between the existing activities and uses and the stream. Large debris within the stream buffer from previously-approved tree removal is also proposed to remain. An existing soft-surface path used to access an existing shed will remain and, in combination with native plantings, will be used to discourage human use beyond the path limits. See Section X for conditions of approval.

6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.

No pesticide, insecticide, or fertilizer use is proposed in the project. Any use of these substances will be required to be in accordance with the City's Environmental Best Management Practices and will need to be disclosed under the Clearing & Grading Permit application. See Section X for conditions of approval.

7. All applicable standards of Chapter 24.06 BCC, Storm and Surface Water Utility Code, are met.

The project has been reviewed by City of Bellevue Utilities Department staff and found to be compliant with BCC 24.06.

IV. Public Notice and Comment

Application Date:	June 12, 2019
Public Notice (500 feet):	August 1, 2019
Minimum Comment Period:	August 15, 2019

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on August 1, 2019. It was mailed to property owners within 500 feet of the project site. One (1) comment have been received from the public as of the writing of this staff report.

Summary of Comment:

The planting plan mainly consists of low-growing shrubs and ground cover and should also include native trees.

Response:

The applicant has revised the proposal to utilize planting template D-2 from the City's Critical Areas Handbook for areas where no vegetative cover exists within the stream buffer. The handbook template is designed for storied vegetative cover with native trees, shrubs, and ground cover.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development. Due to the sensitivity of the stream buffer and proximity to the West Tributary, rainy season restrictions may apply. See Section X for conditions of approval.

Utilities:

City of Bellevue Utilities staff has reviewed the proposed development for compliance with City of Bellevue Utilities codes and standards. Utilities staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The attached Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

VII. Changes to Proposal as a Result of City Review

No significant changes were requested by City staff during the review of this proposal.

VIII. Decision Criteria

A. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

- 1. The proposal obtains all other permits required by the Land Use Code;**

Finding: The applicant will be required to apply for a construction permit after the

approval of the Critical Areas Land Use Permit. See Section X for conditions of approval.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: The proposal has been designed and located to minimize impacts to and improve critical area and buffer functions. The existing pool and deck will be demolished and returned to vegetative cover, and areas of the stream buffer will be densely planted with native vegetation to provide increased stream buffer function. The proposal will result in a reduction of impervious surface and structural coverage on-site and more native vegetation within the most sensitive areas of the site.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;

Finding: As discussed in Section III.B of this report, the proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The site is currently served by adequate public facilities and no additional need is anticipated with this proposal.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

Finding: The proposal includes a preliminary restoration plan that provides native planting consistent with LUC 20.25H.210. The project will be required to be maintained and monitored for three-years to ensure successful establishment of installed planting. See Section X for conditions of approval.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section III and V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposal to demolish the existing pool, walk way around the pool, and deck east of the pool at 130 130th PI NE as shown on the proposed plans (Attachment 1).

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing & Grading Permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Utilities Code- BCC 24	Jason Felgar, 425-452-7851
Land Use Code- BCC 20.25H	David Wong, 425-452-4828

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. Clearing & Grading Permit Required: Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A Clearing & Grading Permit shall be required and approved. Plans consistent with those submitted as part of this permit application shall be included in the Clearing & Grading Permit application.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Land Use

2. Restoration Plan: A final mitigation plan in accordance with the conceptual restoration plan provided under this application shall be submitted for review and approval by the City of Bellevue prior to issuance of the Clearing & Grading Permit. The plan shall document the total area of new critical area buffer planting and the plans shall be consistent with the guidance provided in the City's Critical Areas Handbook.

Authority: Land Use Code 20.25H.105.C.3
Reviewer: David Wong, Land Use

3. Maintenance & Monitoring: A maintenance & monitoring plan in conformance with the plan submitted under this application shall be submitted for review and approval by the City of Bellevue prior to issuance of the Clearing & Grading Permit. The mitigation plan shall be maintained and monitored for a minimum of three (3) years. Annual reporting shall be submitted at the end of each growing season or by December 31 for

each of the three years this plan is applicable. All reporting shall be submitted by email to **dwong@bellevuewa.gov**. or by mail to:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.25H.220.D, 20.25H.220.H
Reviewer: David Wong, Land Use

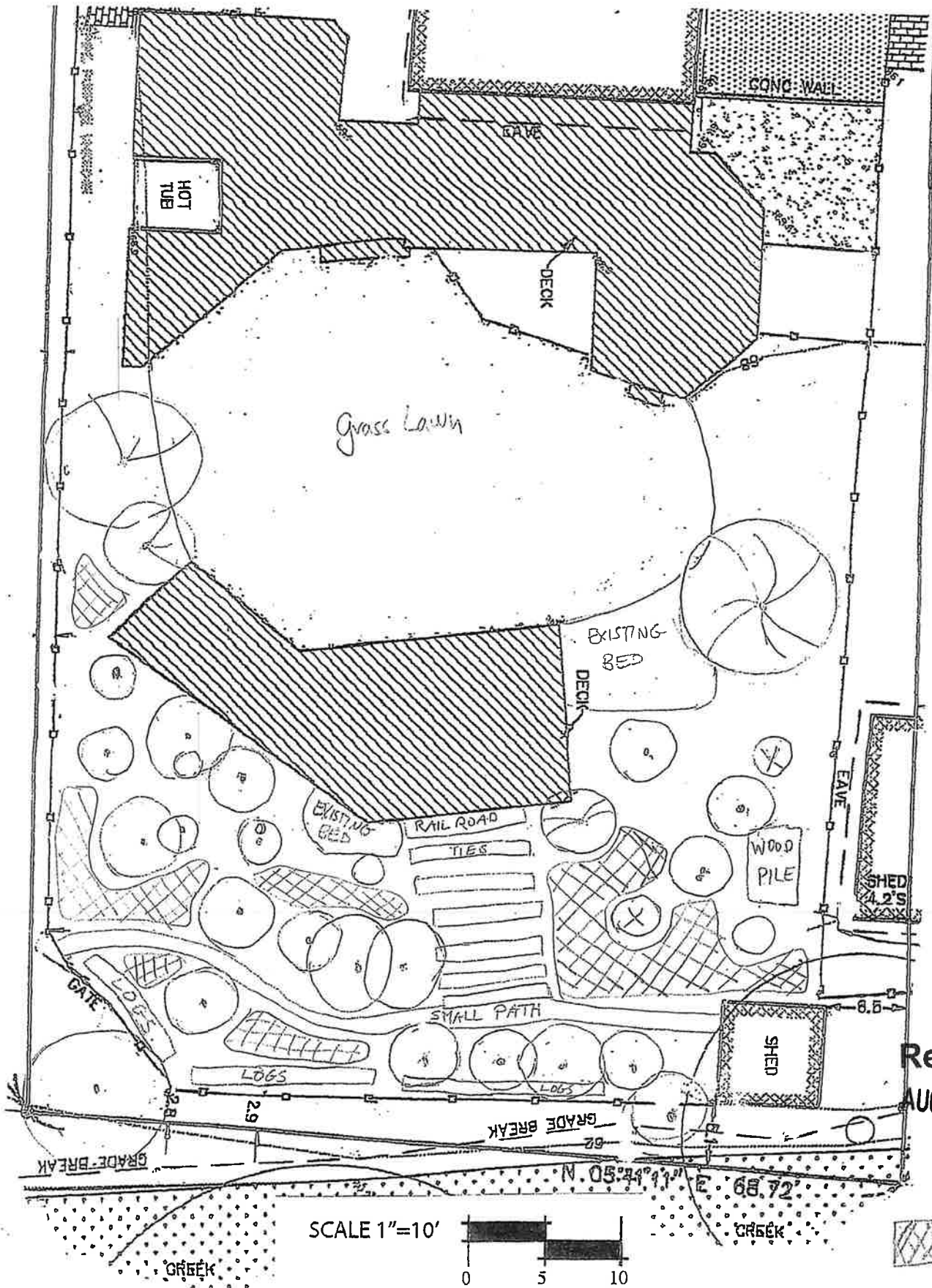
4. Pesticides, Insecticides, and Herbicides: The applicant must submit as part of the required Building Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H
Reviewer: David Wong, Land Use

5. Rainy Season restrictions: Due to the proximity to a steep slope, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,
Reviewer: Savina Uzunow, Clearing & Grading

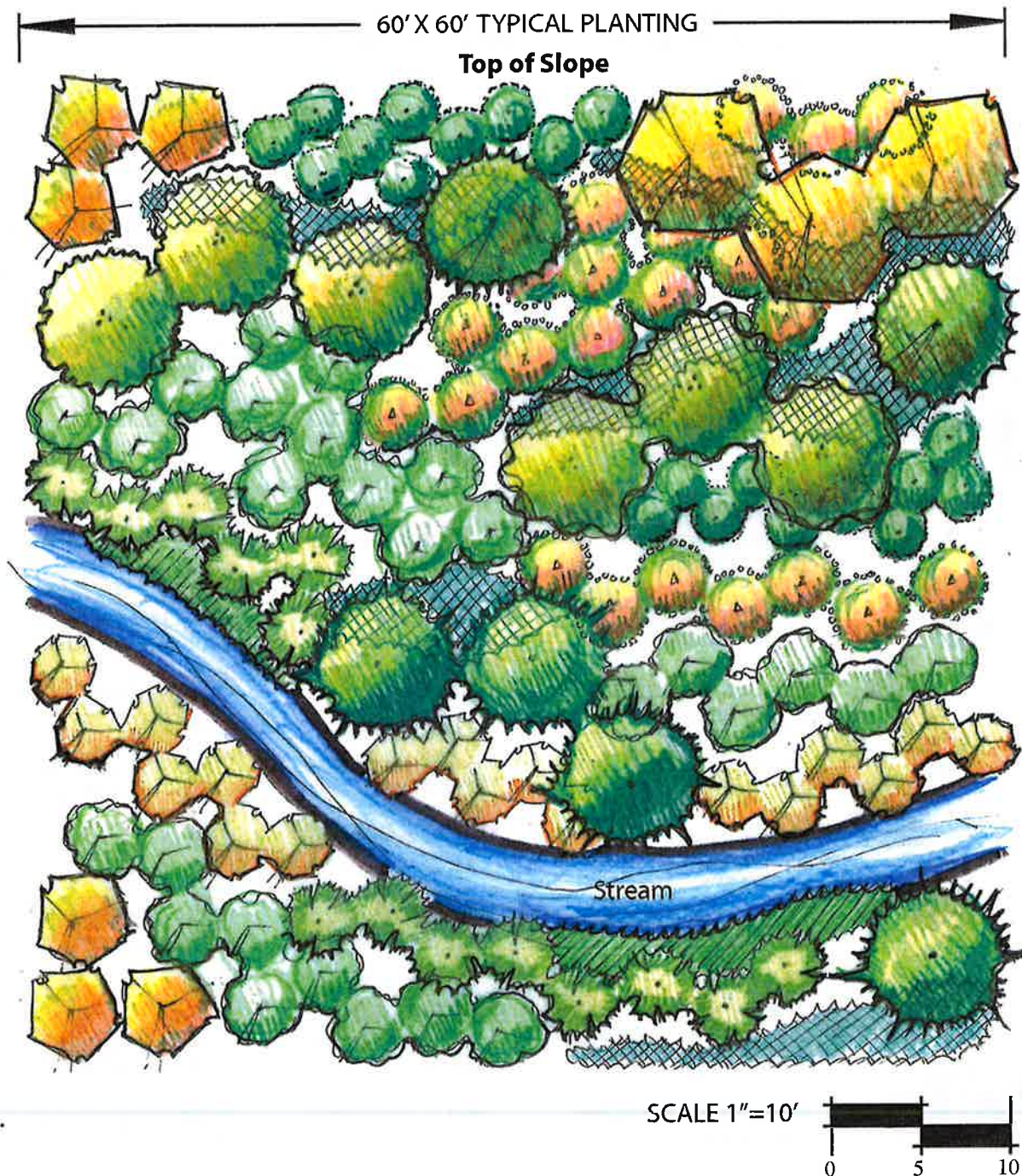
Baker Mitigation Planting Plan



Received
AUG 21 2019

Please note existing railroad ties and small path to allow access to shed and gate.

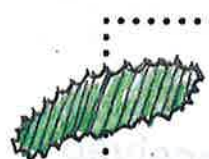
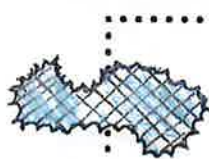
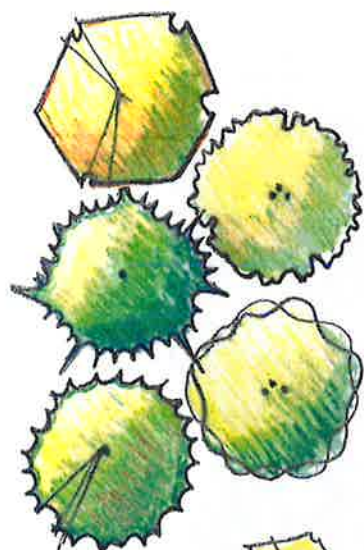
STREAM BUFFER GENTLE SLOPE PLANTING TEMPLATE



Unlike flat stream banks, areas adjacent to streams that are gradually sloping are less susceptible to inundation or flooding. During high flood events, streams may "jump" their banks, so the plants directly adjacent to the stream must be adapted to handle flash flood events, while the plants farther away from stream need to be more tolerant of drier conditions. See the Section on *Streams* in *Chapter One* and the City's Critical Areas Ordinance for additional information.

Received
AUG 21 2019

PLANT LEGEND FOR **SUNNY** SITES



LATIN NAME/ COMMON NAME

TYPICAL SPACING/ AVERAGE HEIGHT

CHARACTERISTICS

TREES

Acer macrophyllum/
Big-leaf maple

9 feet on center/
75 feet

Yellow fall color. Provides understory shade, largest leaf of all maples

Alnus rubra/
Red alder

9 feet on center/
60 feet

Vigorous grower, provides cover quickly for other plants

Picea sitchensis/
Sitka spruce

9 feet on center/
125 feet

Bluish-green foliage year round wildlife food

Prunus emarginata/
Bitter cherry

9 feet on center/
40 feet

Blossoms in spring, red edible berries in summer, wildlife food

Pseudotsuga menziesii/
Douglas-fir

9 feet on center/
150 feet

Highly adaptable, fast grower

SHRUBS

Corylus cornuta/
Beaked hazelnut

6 feet on center/
11 feet

Edible acorn, wildlife food. Small understory tree, yellowish fall color

Lonicera involucrata/
Black twinberry

4.5 feet on center/
8 feet

Attractive yellow/red flowers with dark twinberries

Physocarpus capitatus/
Pacific ninebark

4 feet on center/
11 feet

Orange shredded bark, big white blossoms

Rubus parviflorus/
Thimbleberry

4 feet on center/
8 feet

Delicious edible berries, fast grower, likes sun

Rosa nutkana/
Nootka rose

4.5 feet on center/
8 feet

Wild rose, pink flowers, bright red rosehips

Symphoricarpos albus/
Snowberry

4.5 feet on center/
5 feet

White inedible berries, proven performer in tough conditions

GROUNDCOVERS & PERENNIALS

Arctostaphylos uva-ursi/
Kinnikinnick

*24 in. on center/
6-8 in.

Evergreen groundcover, great for rockeries and full sun areas

Polystichum munitum/
Sword fern

*24 in. on center/
5 feet once mature

Semi-evergreen fern, highly adaptable

Epilobium angustifolium/
Fireweed

*24 in. on center/
1.5-2 feet

Big purple flowers on a tall stem

EMERGENTS

Juncus ensifolius/
Dagger-leaf rush

12 in. on center/
2 feet

Dagger shaped leaves, flat iris-like

Scirpus acutus/
Hardstem bulrush

12 in. on center/
6 feet

Important food and habitat for waterfowl and aquatic mammals

Scirpus microcarpus/
Small-fruited bulrush

12 in. on center/
4.5 feet

Interesting ornamental quality and bloom

* Indicates plants are to be triangularly spaced for the area shown.
See page 23 for triangular spacing.

D2-Sun